

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

Willie Williams,

Plaintiff,

-against-

Sgt. Bonano,
In her Individual Capacities,

C.O. Russien,
In his Individual Capacities,

Ms. Cheverez,
In her Individual Capacities,

C.O. Cunningham,
In his Individual Capacities.

CIVIL RIGHTS COMPLAINT
Pursuant to 42 U.S.C. 1983

Case no.: # -cv-

Jury Trial Demanded: Yes

Jurisdiction and Venue

1. This is an action of civil, seeking relief and/or damages, to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. s. 1983, along with s. 12101-200. This Court has jurisdiction over the action pursuant to 28 U.S.C. s.s. 1331, 1343 (3) and (4), and 2201.

Parties To This Action:

2. Plaintiff's information:

Name: Willie Williams DIN:#04A3775

Present Place of Incarceration: Attica Correctional Facility
639 Exchange Street
Attica, New York 14011-0149

Defendant(s) information

Sgt. Bonano

Defendant No. 1

Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

Defendant(s) information C.O. Russien
Defendant No. 2: Sing Sing Correctional Facility
 354 Hunter Street
 Ossining, New York 10562

Defendant(s) information Ms. Cheverez
Defendant No. 3 Sing Sing Correctional Facility
 354 Hunter Street
 Ossining, New York 10562

Defendant(s) information C.O. Cunningham
Defendant No. 4 Sing Sing Correctional Facility
 354 Hunter Street
 Ossining, New York 10562

STATEMENT OF FACTS RELEVANT TO THE ACTION HEREIN:

3. On 03/22/23, C.O. Russien, came to my cell for a search of my cell, I was ordered to step out of cell, for a pat frisk. After the frisk I was ordered to step aside, I then asked who ordered this search, C.O. said he did not know who ordered the search. This was in violation of Directive # 4932 251-3.1B. The ticket was not endorsed by no other C.O. or Sgt. nor area supervisor who claimed to be present/participated in cell search. "...Each Employee shall endorse his or her name on a Report made by one of the Employee."

4. Ms. Cheverez, the Tier Hearing Officer admitted "on the record" there was no endorsement on ticket by any other C.O. or Sgt. and C.O. who outside of C.O. Russien who search served Mr. Williams the ticket.

5. In violation of Directive # 4932 s. 253-1-B Tier Hearing Officer Ms. Cheverez, who went off the record to investigate, the missing signature, then came back on the record days later saying Sgt. signature was there the whole time, the "Lt." pointed out to Ms. Cheverez. (endorsement cannot stand, Sgt. was not "Present During Search".)

6. In violation of Directive # 4910 VI-B2 plus c-1.3 Scheduled/Unscheduled response "Type Search must be done under close supervision". As admitted by C.O. Russien, C.O. Cunningham, and later by Sgt. Banano who wrote in "Her report that she was present but admitted on the record she was not present during search.

7. Conflicting testimony from C.O. Cunningham claim to be present, observed search but does not know where phone was found. While C.O. Russien was ordered to search cell he did not know who ordered him to search cell, but Cunningham knew that Sgt. Banano ordered the search.

8. Tier Assistant requested to call I/Williams to testify, Tier Hearing personnel denied that, C.O. Vasquez was named to be called as he was actually there not Cunningham and Hearing Officer denied that witness as well. The Tier Hearing Officer, stated she could go against Directive # 4932 s. 253-1B to investigate ticket's missing signature but failed to show rule governing her actions. Hearing Officer failed to show rules which govern her saying I/Williams could not speak to preserve objections since he had an assistant especially since Hearing Personnel partook in objectionable actions.

Statement of Claims Relevant To The Action Herein:

Point One (1):

42 U.S.C.A. s. 1983 To Obtain Relief from Deprivation of U.S. Constitutions 8th and 14th Amendments

9. The United States Constitution, along with New York State Article(s), Federal and State Laws and statutes to protect citizens against, deprivations of government arbitrary powers, of unfair and unlawful treatment, to equal and civil

rights were violated, when Sgt. ordered a non supervised search of the plaintiff cell.

10. The essential requirement for action under Section 1983, to obtain relief is as follows:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or territorial or District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person while within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and Laws, shall be 'liable', to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

11. The present case, plaintiff was deprived of his United States (U.S.) constitutional equal and civil rights and privileges, when Tier Hearing Officer denied the plaintiff to call, witnesses at hearing, plaintiff identify's a protected liberty interest and identify's the procedure that deprived him of a fair hearing.

Point Two (2):

Deprivation Of The Eighth Amendment Through That Of The Fourteenth Amendment

12. The United States Eighth and Fourteenth Amendments as well as New York Article (Art.) and Sections, which all states within the jurisdiction of the United States and it's Laws, are bound to follow, was deprived, as the Fourteenth Amendment states:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens' of the United States and of the state wherein they reside. No State shall make or enforce any law which shall abridge the

privileges or immunities of citizens of the United States: nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within it's jurisdiction the equal protection of law.

13. The due process clause of the Fourteenth Amend. has two functions. First, it protects the plaintiff against arbitrary and unfair treatment by state officials. This aspect of the Fourteenth (Amend.) is known as substantive due process. Substantive due process rights were violated, when Ms. Cheverez denied the plaintiff to call witnesses at hearing.

14. Sgt. Bonano, violated the plaintiff's rights when she ordered unsupervise cell search and lied, saying she was present during search of Mr. Williams cell.

15. C.O. Cunningham, C.O. Russien, Sgt. Banano violated the plaintiff's due process rights with false signature on ticket and a unknown Lt., pointed out false signature to Ms. Cheverez, and she still moved forward with hearing.

16. The second function of the due process clause is to ensure that the plaintiff is and was not deprived of life, liberty, or property without due process of law; This aspect of the Fourteenth Amend is known as procedural due process.

17. The plaintiff under this cause has met the requirements of a Fourteenth Amend. violation:

18. The Plaintiff was deprived of his liberty rights, when Ms. Cheverez, denied the plaintiff to call witnesses at the hearing.

Statement of Cause of Action Relevant to The Action Herein:

First Cause of Action:

Deprivation of U.S. 8th and 14th Amendment

19. Sgt. Bonano, failed to have the search of the plaintiff's cell supervise, during the search of the plaintiff's cell.

20. Ms Cheverez, violated the plaintiff rights when she did not allow the plaintiff to call witnesses at Tier Hearing.

21. C.O. Cunningham, lied and said he was present during search of the plaintiff cell, search was unsupervise.

22. C.O. Russien, failed when he did not have the search of cell supervise, saying he found a cell phone in my cell.

Pleading or Relief Sought By The Plaintiff:

23. Plaintiff seeks a Trial by Jury, for Declaratory and monetary relief in the amount of: \$500,000. from Sgt. Bonano, who failed to have the search of the plaintiff's cell supervisor and lied saying she was present during the search.

24. Plaintiff seeks a trial by jury, for Declaratory and monetary relief in the amount of: \$500,000, from C.O. Russien, for not having the ticket endorsed by a Supervisor during search of cell.

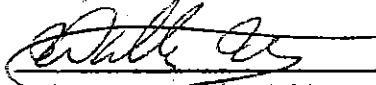
25. Plaintiff seeks, a trial by jury for declaratory and monetary relief in the amount of: \$500,000, from C.O. Cunningham for claiming to be present during search of

the plaintiff's cell.

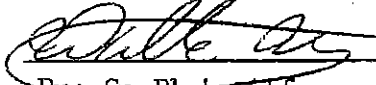
26. Plaintiff seeks, a trial by jury for declaratory and monetary relief in the amount of: \$2,000,000, from Hearing Officer Ms. Cheverez, who denied the plaintiff the right to call witnesses during Tier Hearing.

27. She also went off the record to falsify Document by procuring a signature then committed perjury when she came back on the record and verbally back dated the signature.

Signed: August 9th, 2023


Pro Se Plaintiff: 04A3775
Willie Williams

I, Willie Williams declare under the penalty of perjury, 28 U.S.C. 1746, Duncan v. Foti, 828 F,2d 297, that the above written complaint is true and correct.


Pro Se Plaintiff:
Willie Williams 04A3775
Attica Correctional Facility
639 Exchange Street
Attica, New York 14011-0149

Dated: Attica, New York 14011
August 9th, 2023

APPENDIX PAGE

- EXHIBIT (A): TIER III TICKET
- EXHIBIT (B): 2-WITNESS SHEET NOTICE
- EXHIBIT (C): 9-PAGES DISPOSITION
- EXHIBIT (D): GRIEVANCE AGAINST CITEVEREZ
- EXHIBIT (E): APPEAL - (3, PAGES)
- EXHIBIT (F): APPEAL DECISION
- EXHIBIT (G): RECONSIDERATION +
COURT LETTER
• COURTS REPLY

EXHIBIT "A"

Sing Sing

Correctional Facility

#0552

INCARCERATED INDIVIDUAL MISBEHAVIOR REPORT + INFORME DE MAL COMPORTAMIENTO DEL INDIVIDUO ENCARCE

1. NAME OF INCARCERATED INDIVIDUAL (Last, First) + NOMBRE DEL INDIVIDUO ENCARCELADO (Apellido, Nombre)		DIN	HOUSING LOCATION + CEL
<u>Williams, W</u>		<u>04A3775</u>	<u>HB3 W-5</u>
2. LOCATION OF INCIDENT + LUGAR DEL INCIDENTE		INCIDENT DATE + FECHA	INCIDENT TIME + HORA
<u>HB3 W-51</u>		<u>3/22/23</u>	<u>Approx 7:45 A</u>
3. RULE VIOLATION(S) + VIOLACIÓN (ES)			
<u>113.23 Contraband</u>			
4. DESCRIPTION OF INCIDENT + DESCRIPCIÓN DEL INCIDENTE			
<p>On the above date and approx time, I was ordered to conduct a cell search of HB3 W-51 which is assigned to I/I Williams, W 04A3775. As I arrived to the cell, I/I Williams was found present in his cell. I ordered Williams to step out of the cell and submit to a pat frisk. I complied, no for contraband was found on his person. Williams was allowed to observe the cell search. During the cell search, I recovered the following contrabands: ① Black Samsung Cell phone (recalling) (3/22/23) in the left rear of cell under the bed, ② Pair of Black altered headphones in the top locker of cell, ③ Gray charging cable connected to a homemade phone charger/adaptor. The charger and phone were plugged into electrical outlet of the cell. I seized the contrabands on my person and continued the search. No further contrabands were recovered. Area Supervisor was notified of my findings.</p>			
REPORT DATE + FECHA	REPORTED BY + REPORTADO POR	SIGNATURE + FIRMA	TITLE + TÍTULO
<u>3/22/23</u>	<u>B. Rousseau</u>	<u>[Signature]</u>	<u>C.O</u>
5. ENDORSEMENTS OF OTHER EMPLOYEE WITNESSES (if any)		SIGNATURES:	
ENDOSOS DE OTROS EMPLEADOS TESTIGOS (si hay)		FIRMAS: 1. _____	
2. _____		3. _____	

NOTE: Fold back Page 2 on dotted line before completing below.

DATE AND TIME SERVED UPON INCARCERATED INDIVIDUAL _____ NAME AND TITLE OF SERVER _____
FECHA Y HORA DADO AL INDIVIDUO ENCARCELADO _____ NOMBRE Y TÍTULO DEL QUE ENTREGA _____

You are hereby advised that no statement made by you in response to the charges or information derived therefrom may be used against you in a criminal proceeding. + Por este medio se le informa que no se puede usar ninguna declaración hecha por usted como respuesta al cargo o la información derivada de en una demanda criminal.

NOTICE + AVISO

REVIEWING OFFICER (DETACH BELOW FOR VIOLATION HEARING ONLY)

You are hereby notified that the above report is a formal charge and will be considered and determined at a hearing to be held. + Por este medio se le notifica el informe anterior es un cargo formal el cual se considerará y determinará en una audiencia a celebrarse.

The incarcerated individual shall be permitted to call witnesses provided that so doing does not jeopardize institutional safety or correctional goals. + Se le permite al individuo encarcelado llamar testigos con tal de que el hacerlo no pondrá en peligro la seguridad de la institución ni las metas del Departamento.

If restricted pending a hearing for this misbehavior report, you may write to the Deputy Superintendent for Security or their designee prior to the hearing to make statement on the need for continued prehearing confinement. + Si está restringido pendiente a una audiencia por este informe de mal comportamiento, p escribírle al Diputado del Superintendente para Seguridad o su representante antes de la audiencia para que haga una declaración acerca de la necesidad de continuar bajo confinamiento, previo a la audiencia.

EXHIBIT "B"

75

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

WITNESS INTERVIEW NOTICE (For Superintendent's & Disciplinary Hearings)Sing Sing Correctional FacilityWilliams Willie
Inmate Name (Print)DYA3775
DIN

An Inmate may call witnesses on his or her behalf provided their testimony is material, is not redundant, and doing so does not jeopardize institutional safety or correctional goals.

If permission to call a witness is denied, or if a requested witness testifies outside the presence of the Inmate charged and/or if the Inmate is not permitted to review the testimony of a witness, the reason for such determination must be recorded on this form and copies given to the Inmate by the hearing officer and included in the hearing record.

Reference: Directive #4932, Sections 253.5 and 254.5.

Sgt. Borgano
Requested witness:

- ☐ Permission to call the requested witness is denied.
☒ Requested witness will testify outside Inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: 4/4/23 Explanation: Sgt Borgano was in the facility today called me at her home. Conducted testimony via phone. IIT was in SHU IIT Rep. Franz in Dir. office w/ Warden during this testimony.

Requested witness:

- ☐ Permission to call the requested witness is denied.
☐ Requested witness will testify outside Inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: _____ Explanation: _____

Requested witness:

- ☐ Permission to call the requested witness is denied.
☐ Requested witness will testify outside Inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: _____ Explanation: _____

Signature G. Remy

Hearing Officer

Williams Willie
Inmate

DYA3775
DIN

4/4/23
Date Received

Distribution: Original - Hearing Record Copy - Inmate

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

WITNESS INTERVIEW NOTICE (For Superintendent's & Disciplinary Hearings)Sing Sing Correctional FacilityWilliams, Willie 04A3775
Inmate Name (Print) DIN

An inmate may call witnesses on his or her behalf provided their testimony is material, is not redundant, and doing so does not jeopardize institutional safety or correctional goals.

If permission to call a witness is denied, or if a requested witness testifies outside the presence of the inmate charged and/or if the inmate is not permitted to review the testimony of a witness, the reason for such determination must be recorded on this form and copies given to the inmate by the hearing officer and included in the hearing record.

Reference: Directive #4932, Sections 253.5 and 254.5.

Brody E
Requested witness:

- ☐ Permission to call the requested witness is denied.
☒ Requested witness will testify outside inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: 3/23/23 Explanation: THE Brody testified outside THE
Williams presence. THE was in SHU. THE
Brody was in the Hearing Room via the phone
with the Warden and THE Rep. Frantz, J. P. Bai

CD Roussseau
Requested witness:

- ☐ Permission to call the requested witness is denied.
☒ Requested witness will testify outside inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: 3/20/23 Explanation: CD Roussseau placed testimony
via the phone with Hearing Officer - Henry R
PS. THE was in SHU and testimony occurred
with THE Rep. Frantz, J. via the phone

CO Cunningham
Requested witness:

- ☐ Permission to call the requested witness is denied.
☒ Requested witness will testify outside inmate's presence.
☐ Inmate is not permitted to review requested witness's testimony.

Date: 3/30/23 Explanation: CO Cunningham placed testimony
via the phone. THE Williams in SHU.
THE Rep. Frantz in Hearing
Room.

Chavez
Signature
Hearing OfficerWilliams, Willie
Inmate04A3775
DIN4/4/23
Date Received

Distribution: Original - Hearing Record Copy - Inmate

EXHIBIT C

03/22/2023
DCP004NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
SUPERINTENDENT HEARING DISPOSITION RENDERED

PAGE

SING SING GN

TAPE NUMBER

54

DIN: 04A3775 NAME: WILLIAMS, WILLIE

LOCATION: 0C-01-107

INCIDENT DATE & TIME: 03/22/2023 07:45 AM TIER 3

REVIEW DATE: 03/22/2023 BY: LT DANTZLER, D E

DELIVERY DATE & TIME: 03/22/23 12:51 PM BY: CO JACKSON, T A

HEARING START DATE & TIME: 3/23/2023 1:20 PM BY: SMC Y. Chavira

HEARING END DATE & TIME: 4/4/2023 2:30 PM BY: SMC Y. Chavira

WAS THERE NEED FOR A FORMAL MENTAL HEALTH/INTELLECTUAL CAPACITY ASSESSMENT? Y/N

CHARGE
NUMBER DESCRIPTION OF CHARGES REPORTED BY DISPOSITION

113.23 CONTRABAND CO ROUSSEAU, B

Guilty

ANY GUILTY DISPOSITION WILL RESULT IN A MANDATORY DISCIPLINARY SURCHARGE IN THE AMOUNT OF FIVE(\$5.00) DOLLARS BEING ASSESSED AUTOMATICALLY AGAINST THE I/T. SANCTION DATES BELOW ARE SUBJECT TO REVIEW/CHANGE, AND WILL BE CONSECUTIVELY ADDED ANY SIMILAR CURRENT SANCTION.

PENALTY CODE	DESCRIPTION	PENALTY MO DAYS	START DATE	RELEASE DATE	SUSPEND MO DAYS	DEFERRED RESTITUTION MO DAYS	\$\$\$\$.00
A400	SHU - Tr. Heavy	13	3/22/23	4/4/23			
A200	SHU	60	4/4/23	6/3/23			
G000	Loss of Package	60	4/4/23	6/3/23			
F000	Loss of Clothing	60	4/4/23	6/3/23			
G000	Loss of Phone	60	4/4/23	6/3/23			

03/22/2023
DCP004NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
SUPERINTENDENT HEARING DISPOSITION RENDERED

PAGE

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

VISITOR NAME	RELATIONSHIP	LAST VISIT	VISITS PRIOR YR			
PENALTY	PENCODE	MO DAY	START DATE	RELEASE DATE	SUSPEND	DEFERRED
ALL					49	
NO VISITS:						
NONCONTACT:						
GREEN, KINDU L	FRIEND	03/20/2023			2	
NO VISITS:						
NONCONTACT:						
CHEREBIN, DIANE	AUNT/UNCLE	02/20/2023			1	
NO VISITS:						
NONCONTACT:						
STEED, ASHLEY C	COUSIN	02/20/2023			3	
NO VISITS:						
NONCONTACT:						
JOHNSON, JOHN JR	IN-LAW	02/19/2023			7	
NO VISITS:						
NONCONTACT:						
JOHNSON, TAMBERLYN J	COUSIN	02/19/2023			7	
NO VISITS:						
NONCONTACT:						
HOYT, WENDY R	AUNT/UNCLE	01/22/2023			2	
NO VISITS:						
NONCONTACT:						
HOYT, WHITNEY	COUSIN	01/22/2023			1	
NO VISITS:						
NONCONTACT:						
KELLY, PASHA R	SIBLING	01/22/2023			7	
NO VISITS:						
NONCONTACT:						
MONKS, PEYTON	NIECE/NEPHW	01/22/2023			5	
NO VISITS:						
NONCONTACT:						
SWEENEY, MEGHAN	FRIEND	01/20/2023			3	
NO VISITS:						
NONCONTACT:						
NO VISITS:						
NONCONTACT:						
NO VISITS:						
NONCONTACT:						

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

A. STATEMENT OF EVIDENCE RELIED UPON:

The disposition herein is based upon the written Misbehavior report dated 3/22/23 in which states the Incarcerated Individual violated the following rules: 113.23 Contraband.

I have reviewed the Misbehavior report, Incarcerated Ind. had an Il Frantz represent him in this hearing and Il Frantz, J. 95A2825 verbal input was taken into consideration during this hearing Unusual Incident Report (Preliminary Copy) which was read into the record as it was requested by Williams as well as reviewed by this Hearing Officer in its entirety. The verbal testimony of CO Rousseau and CO Cunningham and SGT. Bonanno were placed on the record.

Their testimonies were done via the phone as Il was confined in SHU and his Il rep. was on the other end with this writer during the hearing.

I/I Brody, E. 08A5968 testified as Il requested him as a witness to this incident. His testimony was done via phone. Il Anderson, J. 08A3158 refused to testify as a witness for Il Williams. Form 2176A in the record and placed on the record. Signed by Il Anderson and witnessed by Writer.

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

B. SPECIAL CONSIDERATIONS:

1. WHERE INMATE IS A JUVENILE, THE SANCTION HAS BEEN MITIGATED AS FOLLOWS:

N/A

2. IF AT ISSUE, HEARING OFFICER CONSIDERED INMATE'S MENTAL HEALTH AS FOLLOWS:

N/A

3. IF AT ISSUE, HEARING OFFICER CONSIDERED INMATE'S INTELLECTUAL CAPACITY AS FOLLOWS:

N/A

C. ANY OTHER INDIVIDUAL MITIGATING OR AGGRAVATING CIRCUMSTANCES WERE CONSIDERED AS FOLLOWS (include how they weigh in favor of a less severe or more severe sanction)

N/A

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

D. OTHER REASONS FOR DISPOSITION:

The Misbehavior Report states a cell search was authorized of II cell HBB W-55, which house II Williams, W. 04A3775. II was directed to step out of the cell and submit to a pat frisk. He complied and no contraband was found on his person. He was allowed to observe the cell search. CO Rousseau recovered a Black Samsung cell phone at the left rear of cell under the bed, 1 pair of black altered headphones in the top locker of cell and 1 Jpay charging cable connected to a homemade phone/charger/adaptor. The charger and phone were plugged into electrical outlet of the cell.

Jones remained focused on who did what in the search of his cell and showed no concern that a cell phone/earphones/ found in his cell during a search.

This cell phone/charger/adaptor/headphones compromised the Safety and Security of the Facility as a Whole.

E. SUPPLEMENTAL DATA ENTRY

1. IF INMATE FOUND GUILTY OF ASSAULT (100.10; 100.11; 100.12):
 WAS WEAPON USED? No (Y/N) WHAT TYPE? NONE
 DID AN INJURY OCCUR? NO (Y/N) SEVERITY (1-4)? NO INJURY
2. IF INMATE FOUND GUILTY OF A SEX OFFENSE (101.10):
 CHOOSE ONE: FORCE/ATT FORCE ENCOURAGE/SOLICIT CONSENSUAL
3. IF INMATE FOUND GUILTY OF THREATS (102.10):
 CHOOSE ONE: NON-VIOLENT VIOLENT
4. IF INMATE FOUND GUILTY OF VIOLENT CONDUCT (104.11):
 CHOOSE ONE: ASSAULT/ATT ASSAULT THREAT OF VIOLENCE ACT OF VIOLENCE
5. IF INMATE FOUND GUILTY OF DEMONSTRATION (104.12):
 CHOOSE ONE: LEAD/ORGANIZED PARTICIPATED
6. IF INMATE FOUND GUILTY OF INTERFERENCE (107.10):
 CHOOSE ONE: PHYSICAL VERBAL
7. IF INMATE FOUND GUILTY OF DRUG POSSESSION (113.25)
 CHOOSE ONE: POSSESSION ONLY MAKE/DISTRIBUTE/SELL/EXCHANGE

03/22/2023

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
SING SING GN CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/2023

TIME: 07:45 AM

TIER: 3

F. HISTORY/CONFINEMENT SANCTION GUIDELINE REVIEW

CHARGE	DESCRIPTION OF CHARGES	5 YEAR PRIORS	10 YEAR PRIORS
113.23	CONTRABAND	0	0

AT THE TIME OF THE HEARING, WAS THIS INDIVIDUAL HOUSED IN A SHU CELL: YESTHE CONFINEMENT SANCTIONS IMPOSED ARE WITHIN THE PUBLISHED GUIDELINES

OR

☒ I HAVE IMPOSED CONFINEMENT SANCTIONS THAT HAVE DEPARTED UPWARD FROM THE PUBLISHED GUIDELINES, FOR THE FOLLOWING REASON(S) (choose up to three):

- ☒ OVERALL CLIMATE OF THE FACILITY
- ☒ SEVERITY OF OFFENSE
- ☐ LOCATION OF OFFENSE
- ☐ MANNER OFFENSE WAS COMMITTED
- ☒ RISK TO SECURITY
- ☐ RISK TO PERSONAL SAFETY
- ☐ PROPERTY DAMAGE - RESTITUTION
- ☐ DISCIPLINARY HISTORY
- ☐ OTHER

CARTICULATE BELOW THE I/I'S PARTICULAR HIGH RISK BEHAVIORS OR OTHER FACTORS INDICATING NEED FOR CONFINEMENT EXCEEDING THE GUIDELINES TO ADDRESS A THREAT TO THE SAFETY OF STAFF OR I/I):

Cell phone was recovered from I/I cell during a suspicious cell-search.

Cell phone presence in a Correctional Facility poses a threat to the Safety and Security of the Facility NA

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

G. PURPOSE(S) OF CONFINEMENT SANCTION IMPOSED (IF ANY) - SET FORTH ALL THAT APPLY:

1. INCAPACITATION (Include the specific behaviors that posed a threat to the safety of staff or other inmates):

The presence of an electronic device - cellphone with charging cable/adaptor, headphones in a Correctional Facility possesses a Huge threat to the Safety and Security of Everyone within - Staff and Incarcerated Individuals.

The presence/use of the cell phones allow communication to occur from within the Facility to possible outside entities to potentially facilitate an escape and/or other threats that would compromise the Safety and Security of the facility as a Whole.

2. DETERRENCE:

The sanction imposed on Ind. Williams will serve the purpose of dissuading him from engaging in similar conduct in the future as well as alert other Incarcerated Individuals that such behavior will not be tolerated.

3. FAIRNESS:

N/A

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

H. REASON(S) FOR A SHU CONFINEMENT SANCTION IMPOSED (IF ANY) WHERE INMATE IS UNDER PRIOR CONFINEMENT OR IN SHU ALTERNATIVE PROGRAM (2 of the 3 reasons below must be found and clearly articulated to impose a SHU confinement sanction, section 1. must be articulated in section 2):

1. THE INMATE IS FOUND GUILTY OF ONE OR MORE SERIOUS OFFENSES AS FOLLOWS:
- | | | |
|--|--|--|
| <input type="checkbox"/> PENAL LAW OFFENSE | <input type="checkbox"/> SEX OFFENSE | <input type="checkbox"/> DIRECT ORDER (SERIOUS NATURE) |
| <input type="checkbox"/> ASSAULT ON INMATE | <input type="checkbox"/> FORCIBLE TOUCHING | <input type="checkbox"/> ESCAPE ITEMS |
| <input type="checkbox"/> ASSAULT ON STAFF | <input type="checkbox"/> STALKING | <input type="checkbox"/> POSSESSION EMPLOYEE PROPERTY |
| <input type="checkbox"/> ASSAULT ON OTHER | <input type="checkbox"/> THREATS | <input type="checkbox"/> SMUGGLING |
| <input type="checkbox"/> RIOTING | <input type="checkbox"/> BRIBERY/EXTORTION | <input type="checkbox"/> SEARCH/FRISK |
| <input type="checkbox"/> ESCAPE | <input type="checkbox"/> VIOLENT CONDUCT | <input type="checkbox"/> EXPLOSIVES |
| <input type="checkbox"/> WEAPON | <input type="checkbox"/> DEMONSTRATION | <input type="checkbox"/> ARSON |
| <input type="checkbox"/> FIGHTING | <input type="checkbox"/> GANGS | <input type="checkbox"/> UNHYGIENIC ACT |

2. THE ACT(S) OF MISBEHAVIOR DEMONSTRATE A THREAT TO SAFETY AS FOLLOWS:

Williams' decision to maintain a cellphone, earphones and charging equipment in his cell for his use presents a huge threat to the safety of the Facility and everyone within. Cellphones in correctional facility pose a huge Threat to the Facility. Williams at no point during his hearing acknowledged his behavior and/or the role he played in having these items in his cell.

3. THE INMATE HAS ENGAGED IN THE FOLLOWING REPEATED ACTS OF DISRUPTIVE MISBEHAVIOR DESPITE PRIOR ALTERNATIVE INTERVENTIONS AS SET FORTH BELOW:

N/A

NYS DEPT OF CORRECTIONS & COMMUNITY SUPERVISION
CORRECTIONAL FACILITY

PAGE

SUPERINTENDENT HEARING DISPOSITION RENDERED

DIN: 04A3775 NAME: WILLIAMS, WILLIE

HEARING DATE: 4/4/23

INCIDENT DATE: 03/22/23

TIME: 7:45 am

TIER: III

I. REASON(S) FOR INVOKING REMAINING SHU CONFINEMENT SANCTIONS SUSPENDED UPON AN INMATE'S SUCCESSFUL COMPLETION OF A SHU-ALTERNATIVE PROGRAM (the reasons below must be found and clearly articulated to impose the SUSPENDED SHU confinement sanction, section 1. must be articulated in section 2):

1. THE INMATE COMMITTED A SERIOUS ACT OF MISBEHAVIOR AS SET FORTH BELOW:

<input type="checkbox"/> PENAL LAW OFFENSE	<input type="checkbox"/> SEX OFFENSE	<input type="checkbox"/> DIRECT ORDER (SERIOUS NATURE)
<input type="checkbox"/> ASSAULT ON INMATE	<input type="checkbox"/> FORCIBLE TOUCHING	<input type="checkbox"/> ESCAPE ITEMS
<input type="checkbox"/> ASSAULT ON STAFF	<input type="checkbox"/> STALKING	<input type="checkbox"/> POSSESSION EMPLOYEE PROPERTY
<input type="checkbox"/> ASSAULT ON OTHER	<input type="checkbox"/> THREATS	<input type="checkbox"/> SMUGGLING
<input type="checkbox"/> RIOTING	<input type="checkbox"/> BRIBERY/EXTORTION	<input type="checkbox"/> SEARCH/FRISK
<input type="checkbox"/> ESCAPE	<input type="checkbox"/> VIOLENT CONDUCT	<input type="checkbox"/> EXPLOSIVES
<input type="checkbox"/> WEAPON	<input type="checkbox"/> DEMONSTRATION	<input type="checkbox"/> ARSON
<input type="checkbox"/> FIGHTING	<input type="checkbox"/> GANGS	<input type="checkbox"/> UNHYGIENIC ACT

2. THE INMATE COMMITTED THE SAME OR SIMILAR VIOLATION AS THAT LEADING TO THE SUSPENDED SANCTION AS SET FORTH BELOW:

N/A

J. SPECIAL INSTRUCTION ON VISITATION OR CORRESPONDENCE RESTRICTIONS, REFERRALS OR SPECIAL EVENT LOSS:

N/A

YOU HAVE THE RIGHT TO APPEAL THIS TIER III DISPOSITION BY SENDING YOUR APPEAL TO THE COMMISSIONER'S OFFICE WITHIN 30 DAYS OF YOUR RECEIPT OF SUCH DISPOSITION:

I HAVE RECEIVED A COPY OF THIS HEARING DISPOSITION DATED: 4/4/23

lf Cheryl zone *It is currently* *4/4/23 2:35pm*
IN SHU

HEARING OFFICER SIGNATURE INMATE SIGNATURE

DATE & TIME RECEIVED.

SUCCESSFUL PRINT COMPLETION

EXHIBIT D

#28 TIER III DOCUMENT
 GRIEVANCE DILIGENT DILIGENT 04.2.3795

CALL: C-2-38 TOP

DATE: 4/18/23

Case-0186-23

GRIEVANCE: WAS FILED ON 4/7/23

ON 3/23/23 PER HEARING
 PERSONAL MS. CHEVETZ ADMITTED
 ON MY TIER HEARING TIER TAPE
 THAT MY CONTRACTED TICKET
 WAS NOT ENDORSED BY CIO,
 SGT, OR AREA SUPERVISOR. DAYS
 LATER MS. CHEVETZ WENT AND
 PROCURED A SIGNATURE THEN LIED
 ON MY TIER TIER HEARING TAPE,
 DURING THE QUESTIONING OF MY WITNESS
 S/I BROOKS SAYING THAT A SGT'S
 SIGNATURE WAS ON THE TICKET
 THE WHOLE TIME; THAT SHE TOOK
 THE TICKET TO A LTI WHO POINTED
 THE RED SIGNATURE OUT THAT SHE
 DID NOT SEE BEFORE.

ACTION REQUESTED:

WHILE I AM TO PRESS BILL CHARGES
 FOR FALSIFYING DOCUMENTS, PERJURY,
 FRAUD, TAMPERING WITH EVIDENCE
 AND MORE, FOR THE TIME BEING I
 MOVE TO HAVE MS. CHEVETZ REMOVED
 FROM MY DUTY REGARDING TIER
 HEARINGS, TICKETS OR FIDELITY
 REQUEST.

RECEIVED

APR 20 2023

Incarcerated Grievance Program

Will be

EXHIBIT E

FORM 2178A (9/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

APPEAL FORM TO COMMISSIONER SUPERINTENDENT'S HEARING*

p6-10P.3

Print or Write Carefully

DIN 04-A 3775	LAST NAME COPPIN	FIRST NAME COPPIN
CURRENT FACILITY Sing Sing C.F.	HEARING FACILITY Sing Sing C.F.	HEARING DATE 3/23/2023

THE SPECIFIC GROUNDS FOR MY APPEAL ARE AS FOLLOWS:

- GROUND 1) IN VIOLATION OF DIR: 4932 § 251-3.1C. TICKET WAS NOT ENDORSED BY NO OTHER C.O. SGT NOR AREA SUPERVISOR WHO CLAIMED TO BE PRESENT/PARTICIPATED IN CELL SEARCH (i.e. CUNNINGHAM + SGT BIANCO). THE HEARING PERSONNEL ADMITTED "ON RECORD" THAT THERE WAS NO ENDORSEMENT ON TICKET BY ANY OTHER C.O. OR SGT OUTSIDE OF RUSSIAN AND C.O. WHO SERVED I/T AND THE TICKET.
- GROUND 2) IN VIOLATION OF DIR: 4932 § 253-1-1. THE HEARING PERSONNEL WENT OFF THE RECORD, INVESTIGATED THE MISSING SGT'S SIGNATURE, THEN CAME BACK ON RECORD DAYS LATER SAYING SGT'S SIGNATURE WHERE THERE THE WHOLE WHOLE TIME AND THE LT-POINTED IT OUT IN HER ENDORSEMENT STILL ON IT STAND; SGT WAS NOT PRESENT.
- GROUND 3) IN VIOLATION OF DIR: 4910 § VI-B-2 + § VI-C-1.3, "SCHEDULED/UNSCHEDULED 2-YEAR TYPICAL SEARCH... MUST BE DONE UNDER CLOSE SUPERVISION" THIS CELL SEARCH WAS DONE WITH NO SUPERVISION AS ADMITTED BY C.O. RUSSIAN, C.O. CUNNINGHAM AND LATER BY SGT BIANCO WHO WROTE IN HER REPORT SHE WAS PRESENT BUT ADMITTED ON RECORD SHE WAS NOT. PLEASE SEE ATTACHED ~~04-A 3775~~ 04-A 3775 4/9/23

INMATE'S SIGNATURE

DATE

* Appeals must be submitted within 30 days of receipt of the disposition.

FORM 2178A (9/11)

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

APPEAL FORM TO COMMISSIONER SUPERINTENDENT'S HEARING*

Pb- 2 of 3

Print or Write Carefully

DIN 04-A-3775	LAST NAME WILLIAMS	FIRST NAME WILLIE
CURRENT FACILITY Sing Sing C.F.	HEARING FACILITY Sing Sing C.F.	HEARING DATE 3/23/2023

THE SPECIFIC GROUNDS FOR MY APPEAL ARE AS FOLLOWS:

- * GROUND 4) CONFLICTING TESTIMONY: C.O. CUNNINGHAM CLAIMS TO BE PRESENT, OBSERVED SEARCH BUT DOES NOT KNOW WHERE PHONE WAS FOUND. WHILE C.O. RUSSELL WAS ORDERED TO SEARCH CELL HE DID NOT KNOW WHO ORDERED HIM TO SEARCH CELL, BUT CUNNINGHAM KNEW THAT SGT. BARNANO ORDERED SEARCH
- * GROUND 5) TIER ASSISTANT REQUESTED TO CALL I/T WILLIAMS TO TESTIFY, TIER HEARING PERSONNEL DENIED THAT, C.O. VASQUEZ WAS NEEDED TO BE CALLED AS HE WAS ACTUALLY THERE; NOT CUNNINGHAM AND HEARING PERSONNEL DENIED THAT. WITNESS AS WELL
- * GROUND 6) TIER HEARING PERSONNEL STATED HE COULD GO AGAINST DPL 4932 § 253-1-B TO INVESTIGATE TICKET/MISSING SIGNATURE BUT FAILED TO SHOW FULL GOVERNING HLR ACTION. HEARING PERSONNEL FAILED TO SHOW RULES WITH GOVERNS HLR SAYING I/T WILLIAMS COULD NOT SPEAK TO PRESERVE OBJECTIONS SINCE HE HAD NO ASSISTANT, ESPECIALLY SINCE HEARING PERSONNEL PARTICIPATE IN OBJECTIONABLE ACTIONS AFTER I/T WILLIAMS SPOKE WITH ASSISTANT

PLEASE SEE ATTACHED ~~2~~ 04-A-3775 4/19/2

INMATE'S SIGNATURE

DATE

* Appeals must be submitted within 30 days of receipt of the disposition.

Pg 3 of 3

PAGE (3) APPEAL FORM TO COMMISSIONER
~~SUPERINTENDENT'S HEARING~~
 I OBJECT TO SHU TIME SERVED NOT BEING CONT

- GROUND 7) PLEASE SEE PAGE (8) OF DISPOSITION PACKET; SECTION 'H' SAYS: "... REASONS FOR S.H.U. CONFINEMENT... (2 OF THE 3 REASONS BELOW MUST BE FOUND AND CLEARLY ARTICULATED TO IMPOSE A SHU CONFINEMENT SANCTION, SECTION I. MUST BE ARTICULATED IN SECTION 2. THERE IS NO SERIOUS AND ~~SHU TIME SERVED~~ ~~OR~~ ~~IN~~ ~~SECTION 2~~ ~~3~~ INCLUDED IN 23.

SO, FOR ALL OF THE REASONS STATED HEREIN A COMPLETE DISMISSAL OF THE TICKET IS REQUESTED, AND TO HAVE I/I WILLIAMS RESTORED BACK TO HIS WORK AND COLLEGE PROGRAMS AS PREVIOUSLY OCCUPIED.

THANK YOU FOR YOUR TIME AND CONSIDERATION IN THE MATTER AS THIS IS THE FIRST APPEAL TH. I, (I/I WILLIAMS) WROTE MYSELF

4/9/23

RESPECTFULLY

CC: PRR

Will Williams

EXHIBIT F

NEW YORK STATE
DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION
THE HARRIMAN STATE CAMPUS - BUILDING 2
1220 WASHINGTON AVENUE
ALBANY, N.Y. 12226-2050

REVIEW OF SUPERINTENDENT'S HEARING

NAME: WILLIAMS, WILLIE

NO. 04A3775

HEARING FACILITY: SING SING

ON BEHALF OF THE COMMISSIONER AND IN RESPONSE TO YOUR RECENT
LETTER OF APPEAL, PLEASE BE ADVISED THAT YOUR SUPERINTENDENT'S HEARING OF
APRIL 4, 2023, HAS BEEN REVIEWED AND AFFIRMED ON JUNE 14, 2023.

A. RODRIGUEZ
DIRECTOR, SPECIAL HOUSING/
INMATE DISCIPLINARY PROGRAM

CC: FACILITY SUPERINTENDENT
CENTRAL OFFICE FILES

APPEAL DECISION RENDERED PURSUANT TO SECTION 254.8 OF CHAPTER V AND
ELECTRONICALLY PRODUCED UPON THE AUTHORITY OF THE DIRECTOR OF SPECIAL
HOUSING/INMATE DISCIPLINE PROGRAM.

EXHIBIT

G

Willie Williams DIN# 04-A-3775

Box 149

Attica, New York 14011-0149

Dated:

To: Mr. A. Rodriquez
Director Special Housing
Inmate Disciplinary program
The Harriman State Campus Bldg. 2
1220 Washington Avenue
Albany, New York 12226-2050

Re: For Tier III Appeal Reconsideration

Mr. Rodriquez:

Hello and how are you? I writ to inform you of my finally having a chance to listen to my Tier III Hearing proceedings. I listened to half on 6/22/23 and the other half in the second week of July.

Having to perfect my appeal without having had the opportunity to listen to the proceedings again left me inadequately prepared to bring all issues to be reviewed to your office's attention.

Now, with the above stated I submit all previous issues raised for reconsideration along with the following issues recently heard and reminded of the issues that are objectionable and worthy of overturning the decision are as follows.

#1) The Tier Hearing Officer, Ms. Cheverez stated on the

record that she is also the F.O.I.L. Officer in Sing Sing. Ms. Cheverez was supposed to recuse herself from being I/I Williams Tier Hearing Officer being that Williams filed Grievance complaints against her in the past when she failed to properly handle Williams F.O.I.L. Request(s). Her presiding over the matter is a conflict of interest.

#2) Ms. Cheverez denied witnesses from being called to testify as is I/I Williams right. C.O. Vasquez's testimony was not only detrimental to my defense, but for the denial of such testimony being recorded shows that the Hearing Officer was not trying to get to the bottom of conflicting testimony at all. C.O. Vasquez's was not denied because of security reasons or institutional goals, but for other reasons I will not assume.

In denying I/I Williams this witness, no "Form 2176" was filled out concerning C.O. Vasquez being denied or refusing. The requested testimony from C.O. Vasquez was material indeed. (Directive 4932 § 253.5 and 254.5) (Section 254.5[B])

Also, the testimony of C.O. Russien and C.O. Cunningham outside of my presence also goes against the above Directive(s) and case citations. Me being in S.H.U. at the time the Hearing was being conducted is not an excuse or exception. The Tier Hearing Officer did not determine that my presence would have threatened institutional safety or correctional goals. I did not exhibit any threatening/violent conduct prior to, nor during the hearing being

conducted. S.H.U. I/I's are escorted, shackled, throughout the facility daily. I/I Williams's objection to these procedure(s) are not necessary as I/I/ Williams did not make a knowing and intelligent waiveer.

#3) On page (7) of the Disposition rendered, Section G - "Incapacitation", the Hearing Officer states that the alleged contraband could be used as an escape item as purpose for confinement sections. Finally, on page (8) of the Disposition packet, (which the Hearing Officer was not required to address because I/I Williams was not under prior confinement or S.H.U. alternative program(s)).

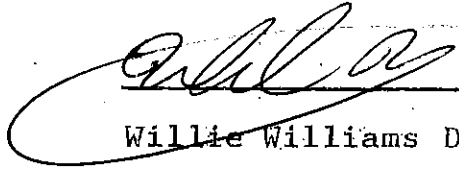
The Officer did not check "Escape Item" Moreover, there was never any evidence submitted proving that I/I Williams possessed and "Used" the alleged contraband. No Evidence was ever presented showing phone numbers called on the phone that matched or connected to the I/I Williams or his phone list. There was no proof of text or any digital evidence connecting I/I Williams to this alleged contraband.

The only evidence relied upon was #1) a written U/I Report) by Sgt. Bonano who wrote she was present, observed search and participated. Then admitted on record that her Report was false, that she was not present at all.

PLEASE BE so kind as to keep in mind that on 4/9/23 I

submitted my original appeal, appealing the Decision of guilt to the charge of 113.23, Contraband. You reviewed and affirmed the decision on June 14, 2023. My request for reconsideration is founded on my recent review of the Hearing tapes (Tape #54) on 6/22/23, (which is when I heard the first half of the tape) then I heard the remaining portion of the Tape during the second week of July, 2023. The specific grounds are spelled out above for this reconsideration request.

WHEREFORE, I/I Williams hopes your office will render a favorable decision in overturning the guilty decision.



Willie Williams DIN# 04-A-3775

Willie Williams 041-3775
Box 149

ATTN: NY 14011-0149

DATE: 9/3/23

TO: MR. A. RODRIGUEZ
DIRECTOR SPECIAL HANDLING
INMATE DISCIPLINARY PROGRAM
THE HARRIMAN STATE CAMPUS BLDG 2
1220 WASHINGTON AVENUE
ALBANY NY 12226-2050

RE: TO INQUIRE ABOUT MY
RECONSIDERATION

MR. RODRIGUEZ

HELLO, ON 8/16/23 I MAILED
YOU A RECONSIDERATION FOR MY
TIER III TICKET DATED ON 3/22/23.
IS IT BEING CONSIDERED?

PLEASE LET ME KNOW AT
YOUR EARLIEST CONVENIENCE

THANK YOU

Willie Williams

cc: PLE

OFFICE OF THE CLERK
**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

Robert H. Jackson
United States Courthouse
2 Niagara Square
Buffalo, New York 14202
Phone: 716-551-1700
Fax: 716-551-1705

MARY C. LOEWENGUTH
CLERK OF COURT

PATRICK J. HEALY
CHIEF DEPUTY CLERK

Kenneth B. Keating
Federal Building
100 State Street, Room 2120
Rochester, New York 14614
Phone: 585-613-4000
Fax: 585-613-4035

NOTICE OF CIVIL CASE OPENING

23CV834

Buffalo Division

Willie Williams v. Sgt. Bonano et al.

United States District Judge: Hon. John L. Sinatra, Jr.

Your case has been opened under the above-referenced docket number. Please include this docket number on everything you send to the court concerning your case. Please also be advised of the following:

- Documents submitted for filing should be originals and MUST contain an original ink signature.
- An affidavit of service must be included with all documents submitted for filing.
- All documents should be sent to the divisional office (Rochester or Buffalo) indicated above. Do NOT send any paperwork directly to Chambers unless directed to do so by the Judge.
- It is your responsibility to keep this office informed of any change of address, regardless of whether you are represented by an attorney. Address changes should be submitted in writing, signed, and dated. Your case may be dismissed if the Court does not have your current address.
- You will be notified by mail when the Court or another party files documents on your case. It is your responsibility to retain those copies, as well as copies of any documents that YOU file, and monitor the progress of your action yourself.
- If you wish to receive a file-stamped copy of documents that you submit by mail, you must provide a second EXACT copy of your document AND a self-addressed, stamped envelope with proper postage.
- Copy requests, including your docket sheet are assessed a copy fee. You may contact the Clerk's Office for an estimated fee, which must be paid by check or money order before copies can be released. Alternatively, if you have internet access, you may register for a PACER account to view and print documents on your case. There is no cost for registration and fees are waived when usage is less than \$15 quarterly. For more information, visit www.pacer.gov.
- The Clerk's Office may assist you by providing forms or answering general questions concerning procedure or the status of your case, but court employees are not permitted to offer legal advice specific to your case.

Procedural questions on cases opened in Buffalo: 716-551-1700

Procedural questions on cases opened in Rochester: 585-613-4000

WHAT HAPPENS NEXT?**A Summary Guide for Pro Se Parties**

Please review the following documents associated with your case:

**PRIVACY NOTICE**

Detailed information about public access to court documents and how to protect confidential information.

**CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE**

There are two types of judges in the federal district courts: U.S. District Judges and U.S. Magistrate Judges. If all parties in your case consent, a lawsuit may be heard for all purposes (including trial) by a Magistrate Judge, pursuant to 28 U.S.C. § 636. By consenting to proceed before a Magistrate Judge, you may find that your lawsuit generally proceeds with greater speed than if the case were before a District Judge. This is because Magistrate Judges are affected by the scheduling requirements imposed by felony criminal cases, whereas District Judges must give priority to criminal trials, which can be lengthy and complicated.

If all parties do NOT consent to proceed before a Magistrate Judge, the District Judge may still refer certain matters to a Magistrate Judge, who may issue an Order on some matters, or a Report and Recommendation on others. If you disagree with either of these, you will have an opportunity to object and the District Judge will consider and rule on your objection. Also, the District Judge will preside over trial if the case proceeds without the consent signed by all parties.

Please review the information notice and if you choose to consent, complete the accompanying form and return it to the Clerk's Office.

**SUMMONSES**

If you paid the filing fee to open your case, the Clerk's Office has issued the summons forms that you have provided as long as they are in proper form and completed. It is your responsibility to properly serve the other parties in your case.

If you applied for in forma pauperis status to have the filing fee waived, you must wait until a Judge renders a decision on that motion before summonses will be issued.

**CIVIL CASE TIMELINE****ADDITIONAL RESOURCES**

It is your responsibility to review and adhere to the Federal and Local Rules of Civil Procedure. You may access them from our website: www.nywd.uscourts.gov, under the tab "Representing Yourself."

In addition, you may review the "Pro Se Guidelines," which is a reference document that is also available on our website. If you do not have access to the internet, you may request a copy of this document by contacting the Clerk's Office.

PRIVACY NOTICE

To Pro Se Litigants of INTERNET Availability of Civil Case File Information

The United States District Court for the Western District of New York makes the content of cases available on PACER.¹ Any subscriber to PACER will be able to read, download, store, and print the full content of documents filed on or after January 1, 2004.

To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, **filing parties shall omit**, or, where inclusion is **necessary**, partially redact (remove) the following personal data information from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:

- (1) Minors' names: Use the minors' initials (Only initials);
- (2) Financial account numbers: Identify the financial institution and name or type of account, but use only the last four numbers of the account number;
- (3) Social Security numbers: Use only the last four numbers;
- (4) Dates of birth: Use only the year; and
- (5) Other data as permitted by order of the court.

Additionally, you should not include confidential information in any document filed with the court **unless** such inclusion is necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. You may omit or partially redact (remove) the following confidential information from all pleadings, documents, and exhibits, unless the assigned judge orders otherwise:

- (1) Personal identifying number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information; and
- (5) Proprietary or trade secret information.

The parties are solely responsible for any personal information filed. **The clerk's office will not review documents for compliance with this rule, seal on its own motion documents containing personal information, or redact documents, whether filed electronically or on paper.**

SEALING OF DOCUMENTS

The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order. Rules relating to the sealing of documents are controlled by Rule 5.4 of the Local Rules of Civil Procedure for the Western District of New York.² A party wishing to file a document containing the personal information specified above may move for leave to file an unredacted document under seal. (E-Government Act of 2002, Pub. L. No. 107-347). If the court grants the motion, the court will retain the paper document as part of the record. In granting the motion, the assigned judge may require the party to file a redacted copy for the public file. (See Administrative Procedures Guide, Section 2m-2n.)

¹Remote electronic access to pleadings filed in civil social security cases is limited to counsel of record and court staff. Non-parties have direct access to the pleadings on file at the Clerk's Office.

²If there is a conflict between the Local Rules and the Administrative Procedures Guide, the Administrative Procedures Guide will control.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

INFORMATION REGARDING ASSIGNMENT OF
CASE TO MAGISTRATE JUDGE AND
FORM FOR CONSENT OR NON-CONSENT

Sgt. Bonano et al.

This is to advise you that you may consent to proceed to disposition of this case before a Magistrate Judge pursuant to 28 U.S.C. § 636(c). This means that if all the parties consent, a Magistrate Judge will handle all aspects of the case, including the trial, probably much sooner than the district judge assigned to the case. You may, however, without penalty, withhold your consent, and the case will be tried by the district court judge.

If all parties consent to proceed before a Magistrate Judge, any appeal taken from the judgment in this case shall be made to the Court of Appeals for the Second Circuit.

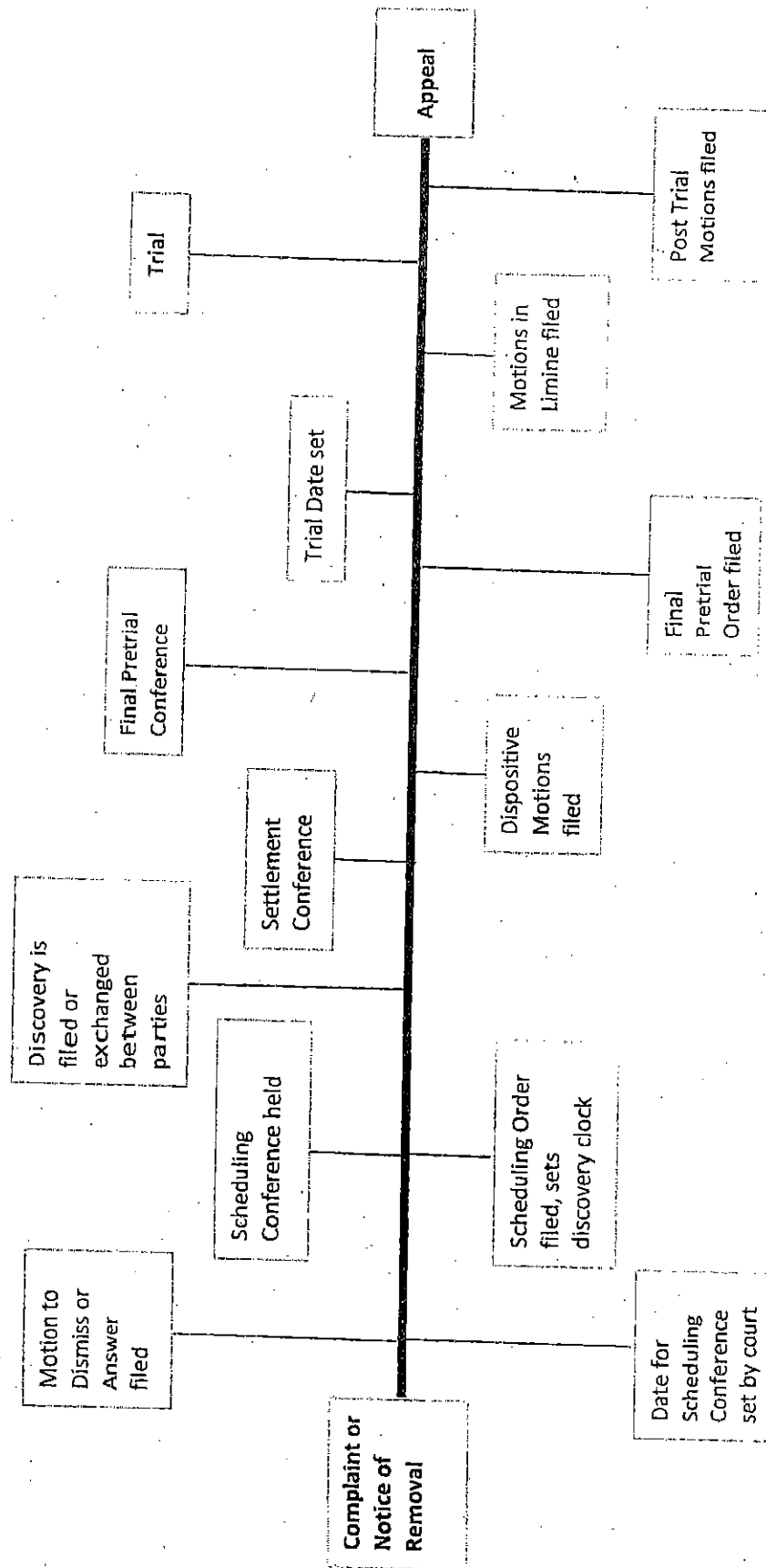
The decision to consent or not to consent to proceed to disposition before a Magistrate Judge is entirely voluntary, but you **must** advise the Clerk of the U.S. District Court whether or not you would be willing to consent to disposition of the case by a magistrate judge **within 30 days of your receipt of this notice**.

Your response **MUST** be made to the Court on the attached form.

MARY C. LOEWENGUTH
Clerk of Court
United States District Court

Civil Case Timeline

This is a general timeline only - not all cases will proceed in this manner

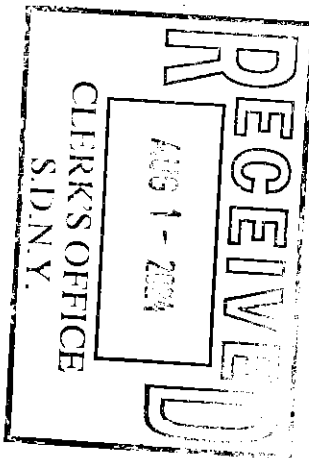


RECEIVED
SDNY PRO SE OFFICE

2024 AUG -5 AM 10:39

Willie Williams 04-A-5775
Box 149
ATT. at NY 14011-0149

PRO SE
8/12/24



ATTN: Chief Court Clerk, 24-cv-1586
U.S.D.C.S.D. of New York
U.S. Courthouse
500 Pearl Street
New York, NY 10007

USM_{P3}
SDNY